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REMARKS

Reconsideration of the issues raised in the above referenced Office Action is respectfully solicited.

Applicant appreciates the allowance of Claims 1-10 and 12 and the indication of allowable subject matter in Claims 14-20.

Applicant appreciates the Examiner's courtesy with regard to an August 1, 2005 interview discussing Claim 13, the only claim that has not been allowed. This Response has been filed as a result of that interview.

In the Response, Claim 13 has been amended to address the objections set forth in paragraph 1 of the Office Action by providing proper antecedent basis for the mediums and the mixed media. The above amendment does not change the scope of Claim 13 but merely clarifies the recited features. Claims 14 and 16 have been amended to provide a clear basis for the claimed media and mediums. Claim 18 has been amended to correct a typographical error therein. The amendments to Claims 14, 16 and 18 do not change the scope thereof and thus Claims 14, 16 and 18 should remain allowable.

The rejection of Claim 13 under 35 USC 103 as being unpatentable over Gettig, U.S. Patent No. 4 581 016 in view of Reynolds, U.S. Patent No. 4 886 495 has been considered.

As discussed in the telephone interview, Claim 13 recites "a media reservoir with at least two sealed media reservoir sections positioned rigidly with respect to one another and including a sealing element separating the reservoir sections, the media reservoir being at least enclosed in part by said main body". The Office Action relies on the vial 6 and the sleeve 10 shown in Figure 3 of Reynolds to represent first and second reservoir sections of a syringe. Applicant disagrees with this interpretation, as there is no "sealing element" separating the vial 6 and the sleeve 10. The sleeve 10 does not contain or store media, and thus no such sealing element would be required.

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Moreover, Claim 13 recites "a single stroke pump device" for "applying a first linear force in a first direction to open the sealing element so that the mediums in the two media reservoir sections mix during a first mixing stage to form a mixed media, said single stroke pump device for applying a second linear force in the first direction during a second discharge stage to discharge the mixed media from the discharge opening". Applicant's single stroke pump device is represented by the solid ram 15 which includes a pressure sleeve 5 as illustrated in Applicant's Figure 1 and represented by element 15a in Applicant's Figure 2. Movement of the single stroke pump device 15 in the first direction first forces the inner seal 7 to release for mixing of the mediums. A second linear force is required to advance the pressure sleeve, puncture the piston packing 3, and discharge the mixed media.

The applied prior art does not disclose a "single" stroke pump device, much less the need to apply two linear forces to the same device. Gettig discloses a syringe having a cartridge 14 for mixing the media and a separate plunger 17 for discharging the mixed media. Reynolds discloses inserting the sleeve 10 into the vial 6 to puncture a seal for mixing the media. Then, capsule 14 is advanced to discharge the media.

For the above reasons, a single stroke pump device is not disclosed by either Gettig or Reynolds.

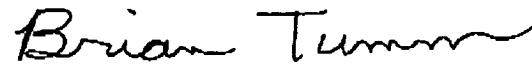
Further, there is no motivation to combine Gettig and Reynolds to form Applicant's claimed invention. For example, Gettig and Reynolds do not disclose the single stroke pump device, much less teach modifying either of the syringes to obtain such a device.

For the above reasons, reconsideration and allowance of Claim 13 is respectfully requested.

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Reconsideration and allowance of the claims is  
respectfully solicited.

Respectfully submitted,



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Encl: None

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